

# Notice of Allowability

Application No.

10/054,781

Examiner

Fenn C. Mathew

Applicant(s)

KOLDA ET AL.

Art Unit

3764

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/10/2005.
2. ☒ The allowed claim(s) is/are 1,3-21 and 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

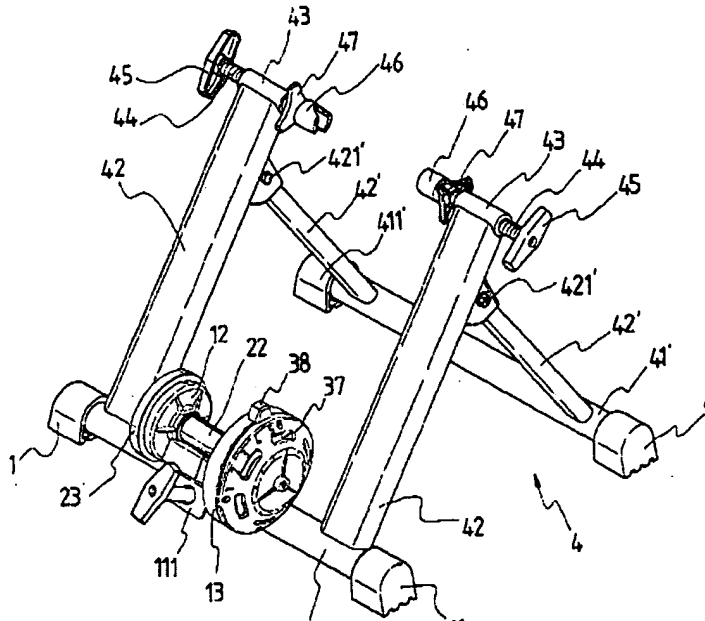
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 04/10/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

JEROME W. DONNELLY  
PRIMARY EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1, 3-21, and 25-28 are allowed. The following is an examiner's statement of reasons for allowance: Prior art exercise bike stands are well known. Huang (U.S.

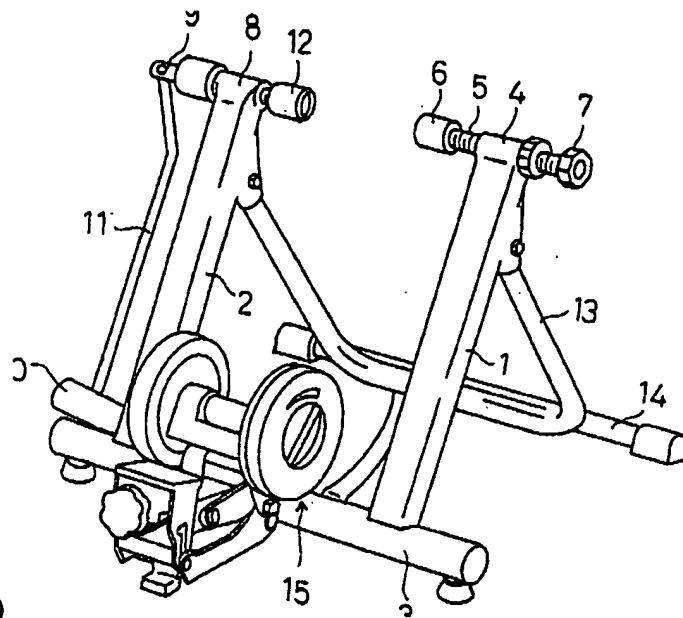


6,736,731)

discloses and exercise

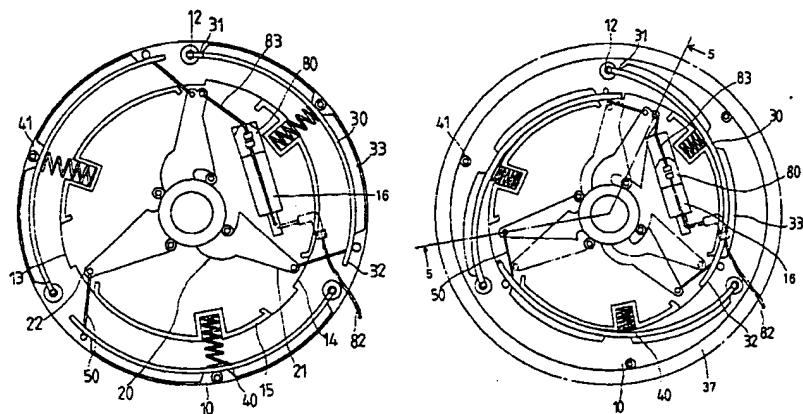
stand and resistance means including magnets that produce and eddy current and provide a resistance against rotation of a bicycle mounted on the stand. Huang fails to teach an automatically variable magnetic resistance that provides resistance that is in a non-linear relationship between the speed of the rotatable member and the resistance is provided to a roller in response to the speed of rotation. Huang also fails to teach the magnetic members increasing eddy current by centrifugal movement of the magnets.

Art Unit: 3764



2. Minoura (U.S. 5,468,201)

likewise teaches a loading apparatus utilizing magnets. Minoura teaches away from an arrangement that leads to automatically variable magnetic resistance, as the user must turn the dial to change resistance, and furthermore, Minoura teaches a linear relationship between position of the dial and resistance encountered.

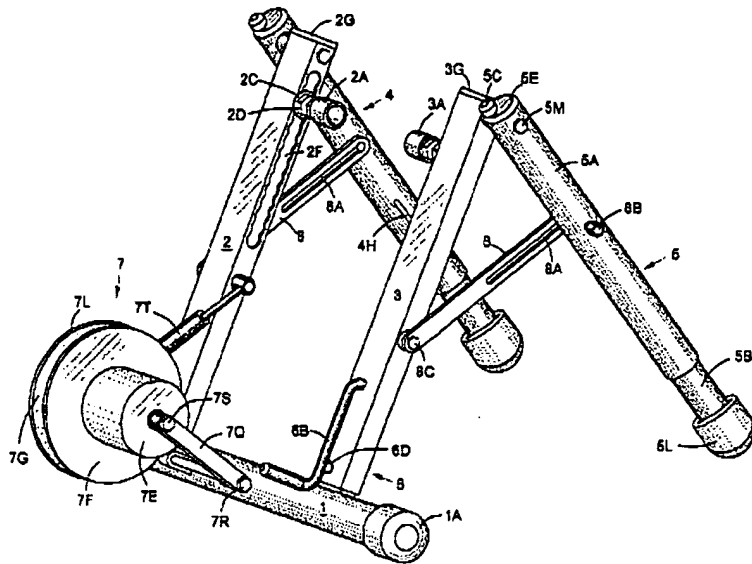


3. Liou (U.S. 6,273,845)

teaches a flywheel arrangement utilizing magnets to affect resistance. Liou however relies upon a cable actuated means in order to change the positioning of the magnetic resistance members thereby affecting resistance levels. Furthermore, Liou fails to

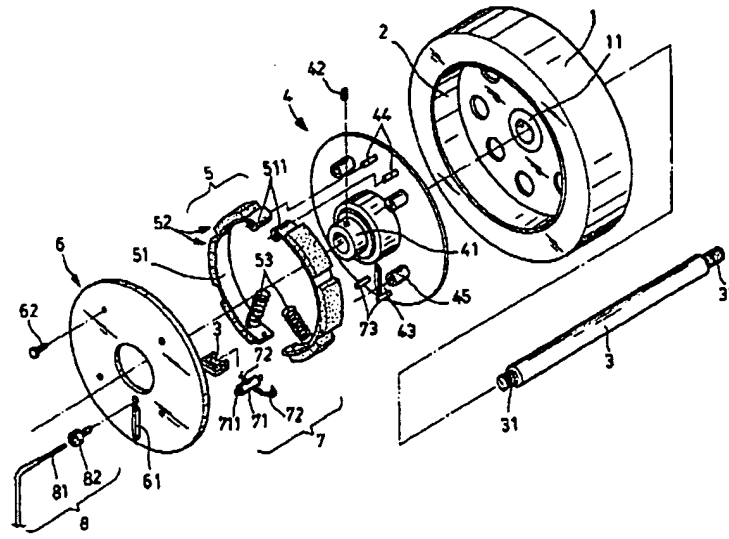
Art Unit: 3764

teach or make obvious an an automatically variable magnetic resistance that provides resistance that is in a non-linear relationship between the speed of the rotatable member and the resistance is provided to a roller in response to the speed of rotation.



#### 4. Phillips (U.S. 6,620,081)

teaches a bicycle stand utilizing centrifugal force to affect levels of resistance. Phillips teaches a centrifugal clutch mechanism but fails to teach or make obvious a magnetic resistance mechanism that interacts with a stationary electrically conductive member to provide eddy current resistance.



5. Lee (U.S. 5,711,404)

teaches a magnetic braking configuration that relies on cable actuation in order to affect the levels of eddy current resistance.

6. The prior art of record fails to teach a bicycle trainer

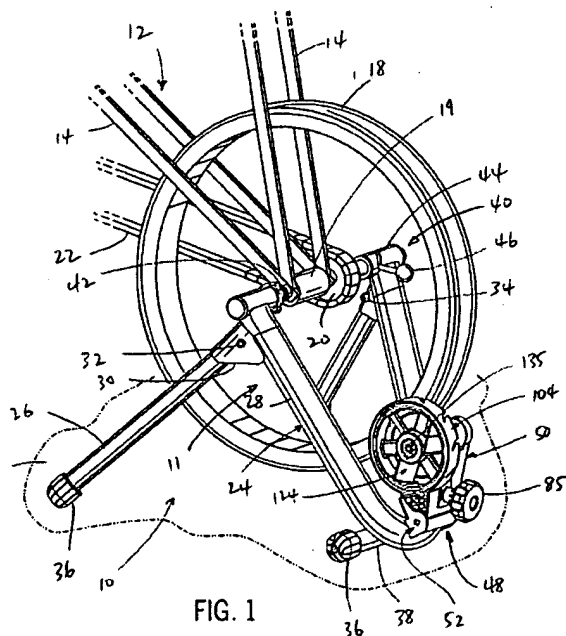
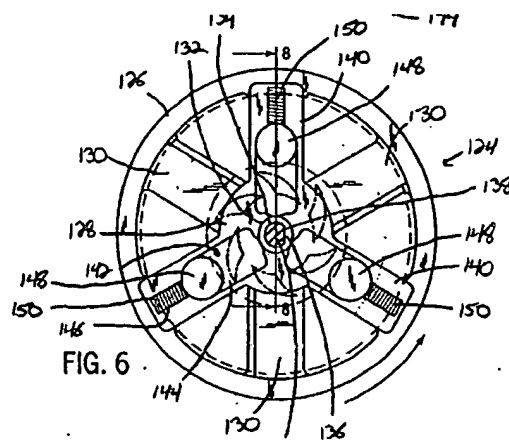
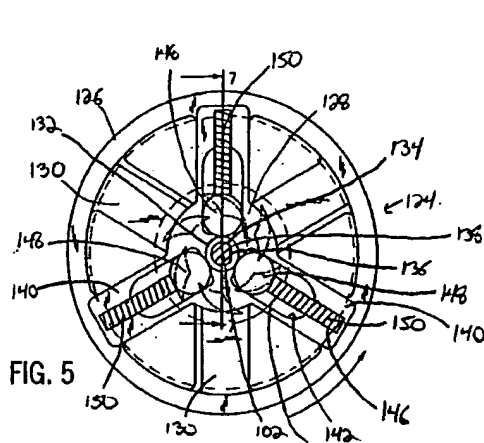


FIG. 1

including a flywheel, a stationary electrically conductive member, an automatically variable magnetic resistance member



carried

by a rotatable member adapted to engage the driven wheel of a bicycle, wherein the magnetic resistance member interacts with the stationary electrically conductive member to provide eddy current resistance, and wherein the resistance arrangement provides an automatically variable magnetic resistance relationship in response to the speed of rotation of the rotatable member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

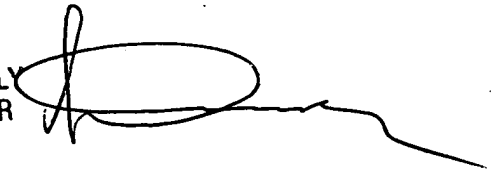
Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4cm  
fcm

September 5, 2005

JEROME W. DONNELLY  
PRIMARY EXAMINER

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.